

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:
Betty Brown
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:
N/A
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):
N/A
4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:
Ohio

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Michigan
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5 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

6 Michigan
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8 7. District Court and Division in which venue would be proper absent direct
9 filing:

10 Ohio Northern District Court
11

12 8. Defendants (check Defendants against whom Complaint is made):



14 C. R. Bard Inc.



16 Bard Peripheral Vascular, Inc.

17 9. Basis of Jurisdiction:



19 Diversity of Citizenship



21 Other: _____

22 a. Other allegations of jurisdiction and venue not expressed in Master
23 Complaint:

24 N/A
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26 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
27 a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery[®] Vena Cava Filter



G2[®] Vena Cava Filter



G2[®] Express Vena Cava Filter



G2[®] X Vena Cava Filter



Eclipse[®] Vena Cava Filter



Meridian[®] Vena Cava Filter

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- ☒ Denali® Vena Cava Filter
☐ Other: _____

11. Date of Implantation as to each product:

January 12, 2016

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
☒ Count III: Strict Products Liability – Design Defect
☒ Count IV: Negligence - Design
☒ Count V: Negligence - Manufacture
☒ Count VI: Negligence – Failure to Recall/Retrofit
☒ Count VII: Negligence – Failure to Warn
☒ Count VIII: Negligent Misrepresentation
☒ Count IX: Negligence *Per Se*
☒ Count X: Breach of Express Warranty
☒ Count XI: Breach of Implied Warranty
☒ Count XII: Fraudulent Misrepresentation
☒ Count XIII: Fraudulent Concealment
☒ Count XIV: Violations of Applicable Ohio (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
☐ Count XV: Loss of Consortium
☐ Count XVI: Wrongful Death
☐ Count XVII: Survival
☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 9th day of May, 2019.

By: /s/ Melissa Fry Hague

Melissa Fry Hague, Esq.
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Conshohocken, PA 19428

I hereby certify that on this 9th day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Melissa Fry Hague